THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.9272 of 2003

DATE: 08-08-2007

Between :

1. Mohd. Subhan and 2 others … Petitioners

And

1. Municipal Corporation of Rajahmundry,
East Godavari District, rep. By its Commissioner
And another. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.9272 of 2003

ORDER:

The petitioners herein are carrying on business in skins and hides in the premises bearing No.28-21-27, Kondapallivari Street, Rajahmundry. It is stated that they have obtained the necessary trade licence from the 1st respondent Corporation which has been renewed from time to time. While so, a legal notice dated 10-4-2003 was issued on behalf of the 1st respondent Corporation alleging that the petitioners are not holding valid licence and they have been running the business unauthorisedly and accordingly calling upon them to close the business immediately. The petitioners have immediately got issued a Reply notice dated 4-5-2003 denying the allegation that they have been running the business illegally. Though no further orders have been passed, apprehending that the 1st respondent may interfere with the business of the petitioners, this writ petition was filed on 12-5-2003 seeking a declaration that the action of the respondents is arbitrary and illegal.

Though Rule Nisi was ordered on13-5-2003 and Status quo was directed to be maintained, no counter-affidavit has been filed by the respondents so far.

Having regard to the facts and circumstances of the case and in the absence of any counter-affidavit, without expressing any opinion as to the entitlement of the petitioners to carry on the business in question, the Writ Petition is disposed of with a direction to the

respondents not to interfere with the business of the petitioners in any manner whatsoever without following due process of law. No costs.

G. ROHINI, J.

Dt. 08–08-2007

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